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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,929	10/03/2005	Miguel Lancho Doncel	U 15798-8	6577
140 7590 03/06/2009 LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER STERLING, AMY JO	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 03/06/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,929

Applicant(s)

LANCHO DONCEL, MIGUEL

Examiner

AMY J. STERLING

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the **Final Office Action** for application number 10/536929
ATTENUATION DEVICE, filed on 10/3/05. Claims 1-18 are pending. This **Final Office Action** is in response to applicant's reply dated 2/10/09. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 112

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

Claim 1 recites that the slots are "labyrinthic". . The common dictionary definition of "labyrinth is a "path that is continuous and winding". The adjective form of "labyrinth" is "labyrinthe" which means "of or relating to a labyrinth. Since, the term does not have any specific meaning as taught by the specification, it is assumed that

the term "labyrinthic" is being used with the same intended meaning as "labyrinthine". This is still unclear because the drawings and dependent claims teach embodiments wherein the slots are not depicted "continuous (examples Figures 7, 8) or "winding" (examples Figures 3, 4, 5, 6 etc.) . Furthermore it is unclear how much "winding" would constitute "labyrinthic". The applicant must either clarify the term "labyrinthic" and cancel the corresponding dependent claims that show embodiments that do not meet the defined term or cancel the term itself from claim 1. For the art rejection below, the term is given very little meaningful weight since it is unclear as to the intended meaning and the dependent claims that do not coincide with the term are considered included in the rejection. Furthermore, all claims are considered fully rejected.

Claim Rejections - 35 USC § 103

Claims 1-3, 5, 6, 8-12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being anticipated by United States Patent Publication No. 2003/0006341 to Buder.

The publication to Buder discloses an attenuation device (10) including a surface of a straight cylinder revolution (14) with a circular cross section having a set of slots (20, 22) distributed over the both surfaces of revolution characterized the slots being adapted to confine a visco-elastic elastomer material (15) within the limits defined by the slots, a slot being generated by a line passing through a fixed point and following a given curve on one side of the surface of revolution and wherein at least one slot is generated by a line moving parallel to itself and the other slot and following the given

curve and wherein at least two slots are communicated through at least one section. The Buder slots are considered winding in that they wind around the revolution and therefore are labyrinthic between upper and lower surfaces of the attenuation device.

It is admitted that the slots in Buder does not disclose continuously connected slots. However, due to the lack of clarity of the term "labyrinthic" as shown above, the term is not considered to require both common definitions of the closely related root word "labyrinth".

Claims 4, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Publication No. 2003/0006341 to Buder and in view of United States Patent No. 2819060 to Neidhart.

Buder discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the surface of revolution is a cone frustum and wherein the elastic material is adapted to comprise at least two bands of elastic material.

Neidhart teaches an attenuation device having a surface of revolution (2) which is a cone frustum and with elastic material which at least two bands (3) of elastic material, used to attenuate vibration. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Neidhart to have used an attenuation device with the above configuration in order to stop vibration for the desired device.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Publication No. 2003/0006341 to Buder and in view of United States Patent No. 2386463 to Hile.

Buder discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein each slot extends according to an undulating curve.

Hile teaches an attenuation device with a slot (25a) that extends according to an undulating curve with an elastic material inside of the slot, used to attenuate vibration. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Hile to have used an attenuation device with the above configuration in order to stop vibration for the desired device.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Publication No. 2003/0006341 to Buder and in view of United States Patent No. 5746411 to Bruas et al.

Buder discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the set of slots defines on the surface of revolution a spool formed by two cones joined at the vertex.

Bruas et al. teaches an attenuation device wherein a set of slots (19) defines on the surface of revolution a spool formed by two cones joined at the vertex, used to attenuate vibration. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Bruas et al. to have

used an attenuation device with the above configuration in order to stop vibration for the desired device.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Publication No. 2003/0006341 to Buder and in view of United States Patent No. 5899431 to Lefol.

Buder discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the set of slots defines on the surface of revolution an H-type shape..

Bruas et al. teaches an attenuation device wherein the set of slots (55, 54) defines on the surface of revolution in an H-type shape, used to attenuate vibration. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Lefol to have used an attenuation device with the above configuration in order to stop vibration for the desired device.

Response to Arguments

The applicant's argument have been acknowledged, but are not persuasive with regards to the term "labyrinthic". See the rejection above for further explanation.

The applicant has argued that the slots are filled with elastic material such that the of the structure form two continuous and complementary labyrinth structures. This language could not be located in claim 1. The applicant has also argued the function of the device, which is being argued more narrowly than the claim language.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823 or to Supervisor Allen Shriver at 571-272-6698 if the examiner cannot be reached. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

/Amy J. Sterling/
Primary Examiner
3/6/09